

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BRENDA J. SAFRANKO, M.D.

**Physician's and Surgeon's
Certificate No. G 45081**

Respondent.

File No: 08-1998-83975


DECISION AND ORDER

The attached Stipulation of Settlement is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on March 31, 2000.

DATED March 1, 2000.

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**



**Ira Lubell, M.D.
Chair, Panel A**

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD AVILA, State Bar # 91214
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, 6th Fl.-South
4 Los Angeles, California 90013
Telephone: (213) 897-6804

5
6 Attorneys for Complainant

7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation) No. 08-98-83975
11 Against:) OAH No. 1999030510
12)
12 BRENDA J. SAFRANKO, M.D.) STIPULATION OF
18271 Roberta Circle) SETTLEMENT
13 Huntington Beach, CA 92646)
14)
14 Physician's and Surgeon's)
Certificate No. G-45081)
15)
16 Respondent.)

17 IT IS HEREBY STIPULATED by and between Complainant,
18 Ron Joseph, Executive Director of the Medical Board of
19 California, who is represented by California State Attorney
20 General Bill Lockyer, through Deputy Attorney General Richard
21 Avila, and Brenda J. Safranko, M.D. (hereinafter "respondent"),
22 who is represented by Frank Albino, Esq., of Parker, Milliken,
23 Clark, O'Hara & Samuelian, as follows:

24 1. There is currently on file before the Medical Board
25 of California (hereinafter "Board"), an Accusation, dated
26 February 24, 1999, amended and supplemented on September 9, 1999,
27 directed against respondent.

1 2. Respondent acknowledges that she has been properly
2 served with said Accusation, as amended and supplemented, and has
3 reviewed it with her attorney of record, Frank Albino, Esq.

4 3. Respondent has discussed the instant stipulation of
5 settlement with her counsel, including all recitals, stipulations
6 and waivers contained in the stipulation of settlement.

7 4. Respondent understands that but for this
8 stipulation she would be entitled to a hearing on the charges and
9 contentions raised in the Accusation, as amended and
10 supplemented, including the right to counsel, to confront and
11 cross-examine the witnesses against her, to subpoena documents
12 and witnesses, to testify and present witnesses in her behalf, to
13 a written decision following a hearing, to reconsideration,
14 appeal and any and all other rights under the Administrative
15 Procedure Act and Code of Civil Procedure.

16 5. Respondent freely, intelligently, knowingly and
17 voluntarily waives each of the rights set out hereinabove at
18 paragraph 4.

19 6. Respondent stipulates that the facts alleged in
20 paragraphs 1 and 2 of the Accusation are true and correct.

21 7. Respondent waives the right to defend against the
22 allegations contained in the Accusation, as amended and
23 supplemented. For the purpose of resolving the matter through
24 settlement, respondent admits that the Board may take
25 disciplinary action against Physician's and Surgeon's Certificate
26 No. G-45081 under the authority of sections 822 and 2239 of the
27 Business and Professions Code [impairment due to addiction to

1 alcohol].

2 8. All stipulations, admissions and recitals contained
3 herein are made solely for the purpose of settling Case No. 08-
4 98-83975, and may not be used in any other proceeding, excepting
5 a license denial or disciplinary proceeding maintained by a state
6 medical board or similar or other governmental agency.

7 9. In consideration of the foregoing admissions and
8 findings, the parties stipulate and agree that the Board shall,
9 without further notice or formal proceeding, issue and enter the
10 following order:

11 DISCIPLINARY ORDER

12 10. IT IS HEREBY ORDERED that Physician's and
13 Surgeon's Certificate No. G-45081, issued to respondent, Brenda
14 J. Safranko, M.D., is revoked. However, said revocation is
15 stayed and respondent is placed on probation for four (4) years
16 on the following terms and conditions:

17 A. [DIVERSION] Within 30 days from the effective date
18 of this decision, respondent shall enroll and participate in the
19 Division's Diversion Program during the period of probation until
20 the Division determines that further treatment and rehabilitation
21 is no longer necessary. Quitting the program without permission
22 or being expelled for cause shall constitute a violation of
23 probation by respondent.

24 B. [PSYCHOTHERAPY] Within 60 days of the effective
25 date of this decision, respondent shall submit to the Division or
26 its designee for its prior approval the name and qualifications
27 of a psychotherapist of respondent's choice. Upon approval,

1 respondent shall undergo and continue treatment until the
2 Division or its designee deems that no further psychotherapy is
3 necessary. Respondent shall comply with the psychopharmacologic
4 medication management plan established by her psychotherapist.
5 Respondent shall be responsible for having the treating
6 psychotherapist submit quarterly reports to the Division or its
7 designee. The Division or its designee may require respondent to
8 undergo psychiatric evaluations by a Division-appointed
9 psychiatrist. The respondent shall pay the cost of therapy and
10 evaluations.

11 C. [ALCOHOL-ABSTAIN FROM USE] Respondent shall
12 abstain completely from the use of alcoholic beverages.

13 D. [FLUID TESTING] Respondent shall immediately
14 submit to biological fluid testing, at respondent's cost, upon
15 the request of the Division or its designee.

16 E. [NO SOLO PRACTICE] Respondent is prohibited from
17 engaging in the solo practice of medicine.

18 F. [MONITORING] Within 60 days of the effective date
19 of this decision, respondent shall submit to the Division or its
20 designee for its prior approval a plan of practice in which
21 respondent's practice shall be monitored by another physician in
22 respondent's field of practice, who shall provide periodic
23 reports to the Division or its designee.

24 If the monitor resigns or is no longer available,
25 respondent shall, within 15 days, move to have a new monitor
26 appointed, through nomination by respondent and approval by the
27 Division or its designee.

1 G. [ETHICS COURSE] Within 60 days of the effective
2 date of this stipulated decision, respondent shall enroll in a
3 course in Ethics approved in advance by the Division or its
4 designee, and shall successfully complete the course during the
5 first year of probation.

6 H. [CONTINUING MEDICAL EDUCATION] Within 90 days of
7 the effective date of this decision, and on an annual basis
8 thereafter during the period of probation, respondent shall
9 submit to the Division or its designee for its prior approval an
10 educational program or course to be designated by the Division or
11 its designee, which shall not be less than 20 hours per year for
12 each year of probation. This program shall be in addition to the
13 mandatory 25 hours per year of continuing medical education
14 required for re-licensure as set forth in section 1336,
15 subdivisions (a) and (d) of Title 16 of the California Code of
16 Regulations. On a yearly basis during the period of probation,
17 respondent shall provide proof of attendance for 45 hours of
18 continuing medical education of which 20 hours were preapproved
19 by the Division or its designee as satisfying this condition.

20 I. [COST RECOVERY] No later than the one hundredth
21 (100th) day prior to the end of the probationary period,
22 respondent shall reimburse the Division of Medical Quality the
23 amount of \$4,000.00 to cover the costs of its investigation and
24 enforcement in the case. The filing of bankruptcy by respondent
25 shall not relieve respondent of her responsibility to reimburse
26 the Division for its costs.

27 J. [PROBATION MONITORING COSTS] Respondent shall pay

1 the costs associated with probation monitoring each and every
2 year of probation, as designated by the Division, which may be
3 adjusted on an annual basis. Such costs shall be payable to the
4 Division of Medical Quality and delivered to its designated
5 representative no later than January 31 of each calender year.
6 Failure to pay costs within 30 days of the due date shall
7 constitute a violation of probation.

8 K. [OBEY ALL LAWS] Respondent shall obey all federal,
9 state and local laws and all laws governing the practice of
10 medicine in California, and remain in full compliance with any
11 court ordered criminal probation, payments and other orders.

12 L. [QUARTERLY REPORTS] Respondent shall submit
13 quarterly declarations under penalty of perjury on forms provided
14 by the Division, stating whether there has been compliance with
15 all the conditions of probation.

16 M. [PROBATION SURVEILLANCE PROGRAM COMPLIANCE]
17 Respondent shall comply with the Division's probation
18 surveillance program. Respondent shall, at all times, keep the
19 Division informed of his or her addresses of business and
20 residence which shall both serve as addresses of record. Changes
21 of such addresses shall be immediately communicated in writing to
22 the Division. Under no circumstances shall a post office box
23 serve as an address of record.

24 Respondent shall also immediately inform the Division,
25 in writing, of any travel to any areas outside the jurisdiction
26 of California which lasts, or is contemplated to last, more than
27 thirty (30) days.

1 N. [INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
2 DESIGNATED PHYSICIANS] Respondent shall appear in person for
3 interviews with the Division, its designee or its designated
4 physicians upon request at various intervals and with reasonable
5 notice.

6 O. [TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR
7 IN-STATE NON-PRACTICE] In the event respondent should leave
8 California to reside or to practice outside the State for any
9 reason or for any reason should respondent stop practicing
10 medicine in California, respondent shall notify the Division or
11 its designee in writing within ten days of the dates of departure
12 and return or the dates of non-practice within California. Non-
13 practice is defined as any period of time exceeding thirty days
14 in which respondent is not engaging in any activities defined in
15 Sections 2051 and 2052 of the Business and Professions Code. All
16 time spent in an intensive training program approved by the
17 Division or its designee shall be considered as time spent in the
18 practice of medicine. Periods of temporary or permanent
19 residence or practice outside California or of non-practice
20 within California, as defined in this condition, will not apply
21 to the reduction of the probationary period.

22 P. If respondent violates probation in any respect,
23 the Division, after giving respondent notice and the opportunity
24 to be heard, may revoke probation and carry out the disciplinary
25 order that was stayed. If an accusation or petition to revoke
26 probation is filed against respondent during probation, the
27 Division shall have continuing jurisdiction until the matter is

1 final, and the period of probation shall be extended until the
2 matter is final.

3 Q. Upon successful completion of probation,
4 respondent's certificate will be fully restored.

5 CONTINGENCY

6 11. This stipulation of settlement shall be subject to
7 the approval of the Board. Respondent understands and agrees
8 that Board staff and counsel for complainant may communicate
9 directly with the Division regarding this stipulation and
10 settlement, without notice to or participation by respondent or
11 respondent's counsel. If the Division fails to adopt this
12 stipulation of settlement as its Order, the stipulation shall be
13 of no force or effect for either party, it shall be inadmissible
14 in any legal action between the parties, and the Division shall
15 not be disqualified from further action in this matter by virtue
16 of its consideration of this stipulation.

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1 ACCEPTANCE

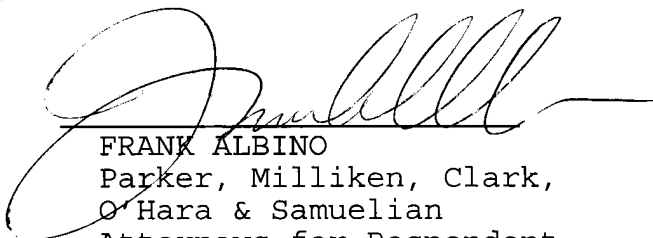
2 I have read the above Stipulation and Disciplinary
3 Order. I have fully discussed the terms and conditions and other
4 matters contained therein with my attorney, Frank Albino. I
5 understand the effect this Stipulation and Disciplinary Order
6 will have on my Physician and Surgeon's Certificate, and agree to
7 be bound thereby. I enter this Stipulation freely, knowingly,
8 intelligently and voluntarily.

9 DATED: 1/16/00

10 
11 BREND A J. SAFRANKO, M.D.
Respondent

12 APPROVED AS TO FORM

13 DATED: 1/16/00


14 
15 FRANK ALBINO
16 Parker, Milliken, Clark,
O'Hara & Samuelian
Attorneys for Respondent

17 ENDORSEMENT

18 The attached Stipulation of Settlement is hereby
19 respectfully submitted for the consideration of the Board.
20

21 DATED: 1/25/00

22 BILL LOCKYER,
23 Attorney General of the
State of California

24 
25 RICHARD AVILA
26 Deputy Attorney General

27 Attorneys for Complainant

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of the State of California
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 9 19 99
BY *Kimberly Richman* ANALYST

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 08-98-83975
Against:)	
BRENDA J. SAFRANKO, M.D.,)	FIRST AMENDED AND
1232 Ann Court)	SUPPLEMENTAL
Ridgecrest, California 93555)	ACCUSATION
Physician and Surgeon's Certificate)	
No. G 45081,)	
Respondent.)	

The Complainant alleges:

PARTIES

1. Ron Joseph ("Complainant") brings this accusation solely in his official capacity as the Executive Director of the Medical Board of California (hereinafter the "Board").

2. On or about July 1, 1981, Physician and Surgeon's Certificate No. G 45081 was issued by the Board to Brenda J. Safranko, M.D., (hereinafter "respondent"). At all times relevant to the charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on March 31, 2001.

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the Business and Professions Code (hereinafter "Code"):

A. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

B. Section 493 of the Code provides that notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related

1 to the qualifications, functions, and duties of the licensee
2 in question, the record of conviction of the crime shall be
3 conclusive evidence of the fact that the conviction occurred,
4 but only of that fact, and the board may inquire into the
5 circumstances surrounding the commission of the crime in order
6 to fix the degree of discipline or to determine if the
7 conviction is substantially related to the qualifications,
8 functions, and duties of the licensee in question.

9 As used in this section, "license" includes "certificate,"
10 "permit," "authority," and "registration."

11 C. Section 725 of the Code provides that repeated
12 acts of clearly excessive prescribing or administering of
13 drugs or treatment, repeated acts of clearly excessive use of
14 diagnostic procedures, or repeated acts of clearly excessive
15 use of diagnostic or treatment facilities as determined by the
16 standard of the community of licensees is unprofessional
17 conduct for a physician and surgeon, dentist, podiatrist,
18 psychologist, physical therapist, chiropractor, or
19 optometrist. Any person who engages in repeated acts of
20 clearly excessive prescribing or administering of drugs or
21 treatment is guilty of a misdemeanor and shall be punished by
22 a fine of not less than one hundred dollars (\$100) nor more
23 than six hundred dollars (\$600), or by imprisonment for a term
24 of not less than 60 days nor more than 180 days, or by both
25 the fine and imprisonment.

26 D. Section 822 provides that if a licensing agency
27 determines that its licentiate's ability to practice his or

1 her profession safely is impaired because the licentiate is
2 mentally ill, or physically ill affecting competency, the
3 licensing agency may take action by any one of the following
4 methods:

- 5 (a) Revoking the licentiate's certificate or license.
- 6 (b) Suspending the licentiate's right to practice.
- 7 (c) Placing the licentiate on probation.
- 8 (d) Taking such other action in relation to the
9 licentiate as the licensing agency in its discretion
10 deems proper.

11 The licensing agency shall not reinstate a revoked or
12 suspended certificate or license until it has received
13 competent evidence of the absence or control of the condition
14 which caused its action and until it is satisfied that with
15 due regard for the public health and safety the person's right
16 to practice his or her profession may be safely reinstated.

17 E. Section 2227 of the Code provides that a
18 licensee who is found guilty under the Medical Practice Act
19 may have her license revoked, suspended for a period not to
20 exceed one year, placed on probation and required to pay the
21 costs of probation monitoring, or such other action taken in
22 relation to discipline as the Division deems proper.

23 F. Section 2234 of the Code provides that
24 unprofessional conduct includes, but is not limited to, the
25 following:

- 26 "(a) Violating or attempting to violate, directly or
27 indirectly, or assisting in or abetting the violation of,

1 or conspiring to violate, any provision of this chapter.

2 "(b) Gross negligence.

3 "(c) Repeated negligent acts.

4 "(d)

5 "(e) The commission of any act involving dishonesty or
6 corruption which is substantially related to the
7 qualifications, functions, or duties of a physician and
8 surgeon.

9 "(f) Any action or conduct which would have warranted the
10 denial of a certificate."

11 G. Section 2236 of the Code provides that:

12 (a) The conviction of any offense substantially related
13 to the qualifications, functions, or duties of a
14 physician and surgeon constitutes unprofessional conduct
15 within the meaning of this chapter. The record of
16 conviction shall be conclusive evidence only of the fact
17 that the conviction occurred.

18 "(b)

19 "(c)

20 "(d) A plea or verdict of guilty or a conviction after a
21 plea of nolo contendere is deemed to be a conviction
22 within the meaning of this section and Section 2236.1.
23 The record of conviction shall be conclusive evidence of
24 the fact that the conviction occurred."

25 H. Section 2238 of the Code provides that a
26 violation of any federal statute or federal regulation or any
27 of the statutes or regulations of this state regulating

1 dangerous drugs or controlled substances constitutes
2 unprofessional conduct.

3 I. Section 2239 of the Code provides that:

4 "(a) The use or prescribing for or administering to
5 himself or herself, of any controlled substance; or the
6 use of any of the dangerous drugs specified in Section
7 4211,^{1/} or of alcoholic beverages, to the extent, or in
8 such a manner as to be dangerous or injurious to the
9 licensee, or to any other person or to the public, or to
10 the extent that such use impairs the ability of the
11 licensee to practice medicine safely or more than one
12 misdemeanor or any felony involving the use, consumption,
13 or self-administration of any of the substances referred
14 to in this section, or any combination thereof,
15 constitutes unprofessional conduct. The record of the
16 conviction is conclusive evidence of such unprofessional
17 conduct.

18 "(b) A plea or verdict of guilty or a conviction
19 following a plea of nolo contendere is deemed to be a
20 conviction within the meaning of this section. The
21 Division of Medical Quality may order discipline of the
22 licensee in accordance with Section 2227 or the Division
23 of Licensing may order the denial of the license when the
24 time for appeal has elapsed or the judgment of conviction
25 has been affirmed on appeal or when an order granting
26

27 1. Section 4211 was amended to section 4022.

1 probation is made suspending imposition of sentence,
2 irrespective of a subsequent order under the provisions
3 of Section 1203.4 of the Penal Code allowing such person
4 to withdraw his or her plea of guilty and to enter a plea
5 of not guilty, or setting aside the verdict of guilty, or
6 dismissing the accusation, complaint, information, or
7 indictment."

8 J. Section 2242 of the Code provides that:

9 "(a) Prescribing, dispensing, or furnishing dangerous
10 drugs as defined in Section 4211 without a good faith
11 prior examination and medical indication therefor,
12 constitutes unprofessional conduct. . . ."

13 K. Section 2261 of the Code provides that
14 knowingly making or signing any certificate or other document
15 directly or indirectly related to the practice of medicine or
16 podiatry which falsely represents the existence or
17 nonexistence of a state of facts, constitutes unprofessional
18 conduct.

19 L. Section 125.3 of the Code provides that:

20 "(a) Except as otherwise provided by law, in any order
21 issued in resolution of a disciplinary proceeding before
22 any board within the department or before the
23 Osteopathic Medical Board, the board may request the
24 administrative law judge to direct a licentiate found to
25 have committed a violation or violations of the licensing
26 act to pay a sum not to exceed the reasonable costs of
27 the investigation and enforcement of the case.

1 "(b)

2 "(c) A certified copy of the actual costs, or a good
3 faith estimate of costs where actual costs are not available,
4 signed by the entity bringing the proceeding or its designated
5 representative shall be prima facie evidence of reasonable
6 costs of investigation and prosecution of the case. The costs
7 shall include the amount of investigative and enforcement
8 costs up to the date of the hearing, including, but not
9 limited to, charges imposed by the Attorney General. . . ."

10 MEDI-CAL REIMBURSEMENT

11 M. Section 14124.12 of the Welfare and
12 Institutions Code provides, in pertinent part, that:

13 (a) Upon receipt of written notice from the Medical
14 Board of California that a licensee's license has been placed
15 on probation as a result of a disciplinary action, the
16 department may not reimburse any Medi-Cal claim for the type
17 of surgical service or invasive procedure that gave rise to
18 the probation, including any invasive procedure that was
19 performed by the licensee on or after the effective date of
20 probation and until the termination of all probationary terms
21 and conditions or until the probationary period has ended,
22 whichever occurs first. This section shall apply except in
23 any case in which the relevant licensing board determines that
24 compelling circumstances warrant the continued reimbursement
25 during the probationary period of any Medi-Cal claim. In such
26 a case, the department shall continue to reimburse the
27 licensee for all procedures, except for those invasive or

1 surgical procedures for which the licensee was placed on
2 probation.

3 HEALTH AND SAFETY CODE PROVISIONS

4 N. Section 11173 of the Health and Safety Code
5 provides that:

6 (a) No person shall obtain or attempt to obtain
7 controlled substances, or procure or attempt to procure
8 the administration of or prescription for controlled
9 substances, (1) by fraud, deceit, misrepresentation, or
10 subterfuge.

11 O. Section 11174 of the Health and Safety Code
12 provides that no person shall, in connection with the
13 prescribing, administering, or dispensing of a controlled
14 substance, give a false name or false address.

15 P. Section 11368 of the Health and Safety Code
16 provides that every person who forges or alters a prescription
17 or who issues or utters a prescription bearing a forged or
18 fictitious signature for any narcotic drug by any forged,
19 fictitious, or altered prescription, or who has in possession
20 any narcotic drug secured by a forged, fictitious, or altered
21 prescription, shall be punished by imprisonment in the county
22 jail for not less than six months nor more than one year, or
23 in the state prison.

24 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

25 1. Lorazepam: Also known under its brand name Ativan.
26 The drug is a Schedule IV controlled substance. It is used to
27 control anxiety. It should not be used for patients with
known suicidal tendencies. It can impair mental ability and
alertness. Patients should not drive a car while taking this

1 drug.

2 2. Chlordiazepoxide: Also known under its brand name
3 Librium. The drug is a Schedule IV controlled substance. It
4 is used to control anxiety for the short term and withdrawal
5 of alcoholism. Patients should not drive a car while taking
6 this drug. It should not be taken with alcohol or other
depressants. Paradoxical reactions, e.g., excitement,
stimulation and acute rage have been reported by psychiatric
patients.

7 3. Phentermine HCL: Also known under its brand name
8 Fastin. The drug is a Schedule IV controlled substance. It
9 is commonly used for appetite suppression. It can be abused
10 as it is related to amphetamines. Abrupt cessation following
11 prolonged high dosage results in extreme fatigue and
12 depression. The most severe manifestation of chronic
13 intoxication is psychosis.

14 4. Hydrocodone: Also known under its brand name Vicodin
15 ES. The drug is a Schedule IV controlled substance.
16 Hydrocodone is a narcotic drug related to codeine with similar
17 abuse potential. It should not be used with other narcotics
18 and alcohol.

19 5. Carisoprodol: Also known under its brand name Soma.
20 The drug is a dangerous drug under Business and Professions
21 Code section 4022. It is a muscle relaxant.

22 6. Paroxetine Hydrochloride: Also known as Paxil. The
23 drug is a dangerous drug under Business and Professions Code
24 section 4022. It is an antidepressant.

25 7. Trazodone Hydrochloride: Also known as Trazodone.
26 The drug is a dangerous drug under Business and Professions
27 Code section 4022. It is an antidepressant and antianxiety
drug.

8. Phenlypiperazine: Also known as Serzone. The drug
is a dangerous drug under Business and Professions Code
section 4022. It is an antidepressant.

22 ADDITIONAL BUSINESS AND PROFESSIONS CODE SECTIONS

23 Q. Section 141 of the Code provides as follows:

24 "(a) For any licensee holding a license issued by a
25 board under the jurisdiction of the department, a disciplinary
26 action taken by another state, by any agency of the federal
27 government, or by another country for any act substantially

1 related to the practice regulated by the California license,
2 may be a ground for disciplinary action by the respective
3 state licensing board. A certified copy of the record of the
4 disciplinary action taken against the licensee by another
5 state, an agency of the federal government, or another country
6 shall be conclusive evidence of the events related therein.

7 "(b) Nothing in this section shall preclude a board from
8 applying a specific statutory provision in the licensing act
9 administered by that board that provides for discipline based
10 upon a disciplinary action taken against the licensee by
11 another state, an agency of the federal government, or another
12 country."

13 R. Section 2305 of the Code provides as follows:

14 "The revocation, suspension, or other discipline,
15 restriction, or limitation imposed by another state upon a
16 license or certificate to practice medicine issued by that
17 state, or the revocation, suspension, or restriction of the
18 authority to practice medicine by any agency of the federal
19 government, that would have been grounds for discipline in
20 California of a licensee under this chapter, shall constitute
21 grounds for disciplinary action for unprofessional conduct
22 against the licensee in this state."

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Criminal Convictions)

25 4. Respondent, Brenda Safranko is subject to
26 disciplinary action under sections 490 and 2236 of the Code, in
27 that respondent was convicted for crimes substantially related to

1 the qualifications, functions, or duties of a physician. The
2 circumstances are as follows:

3 A. On or about June 24, 1996, respondent was
4 arrested for Brandishing a Deadly Weapon and Telephoning 911
5 with Intent to Annoy and Harass, in violation of sections 417,
6 subdivision (a)(1) and 653x, subdivision (a) of the Penal
7 Code, in Orange County, California.

8 B. On or about June 26, 1996, respondent was
9 arrested for Driving Under the Influence, in violation of section
10 23152, subdivisions (a) and (b) of the Vehicle Code, in Costa Mesa,
11 California.

12 C. On or about December 12, 1996, respondent
13 entered a plea of Guilty to Counts 1 and 2, Vehicle Code section
14 23152, subdivisions (a) and (b), misdemeanors, in People v. Brenda
15 Jean Safranko, Municipal Court Harbor Judicial District, County of
16 Orange, State of California, Case No. 96HM05003.

17 1. Respondent admitted to drinking one bottle of
18 wine.

19 2. Respondent's eyes were bloodshot and watery.
20 She had a strong odor of alcohol on her breath
21 and person. Her speech was slurred and her
22 walk was staggered, unsteady and swaying.

23 D. The court sentenced respondent to 3 years
24 probation. The court ordered respondent to pay a fine of \$390.00
25 plus penalty assessments, \$100.00 to State Restitution Fund, a 90
26 day suspension of her driver's license, submit to chemical testing,
27 attend a First Offenders Program and attend and complete a six week

1 rehabilitation program.

2 E. On or about December 12, 1996, respondent
3 entered a plea of Guilty to Counts 2 and 3, Penal Code sections
4 417, subdivision (a)(1) and 653x, subdivision (a), misdemeanors, in
5 People v. Brenda Jean Safranko, Municipal Court, Harbor Judicial
6 District, County of Orange, State of California, Case No.
7 96HM04454. Count 1, Brandishing a Deadly Weapon, Penal Code
8 section 417, subdivision (a)(1) was dismissed.

9 F. The court sentenced respondent to 3 years
10 probation. The court ordered respondent to serve 45 days in the
11 Sheriff's Work Project and pay \$100.00 to the State Restitution
12 Fund.

13 G. On or about December 1, 1997, respondent was
14 arrested for Driving Under the Influence, in violation of section
15 23152, subdivisions (a) and (b) of the Vehicle Code, in Ridgecrest,
16 California.

- 17 1. Respondent admitted to drinking two bottles of
18 wine and taking Paxil and Trazodone.
- 19 2. Respondent almost hit three parked cars while
20 driving her vehicle. She attempted to buy more
21 wine, but the store refused to sell her any
22 more alcohol.
- 23 3. Respondent's speech was slurred and she was
24 unsteady on her feet. She flunked the sobriety
25 tests administered to her.

26 H. On or about August 6, 1998, respondent entered
27 a plea of Nolo Contendere to Count 1, Vehicle Code section

1 23152, subdivision (a), a misdemeanor, in People v. Brenda
2 Jean Safranko, East Kern Municipal Court, County of Kern,
3 State of California, Case No. RM019264A. Count 2, Vehicle
4 Code section 23152, subdivision (b) was dismissed.

5 I. Respondent was sentenced to 365 days in jail.
6 The court suspended sentence for 5 years. Respondent was
7 given credit for 35 days for time served in jail. The court
8 ordered respondent not to operate a vehicle unless duly
9 licensed; not to use intoxicants or visit any place where
10 intoxicants are sold as a primary income or business during
11 her probationary period.

12 J. On or about December 8, 1997, respondent was
13 arrested for Public Intoxication in violation of Penal Code
14 section 647, subdivision (f), and Vandalism, in violation of
15 Penal Code section 594, subdivision (b)(4).

16 1. On or about December 8, 1997, respondent, a
17 patient at Desert Counseling Clinic went to her
18 appointment intoxicated. The Clinic had
19 already informed respondent that it would not
20 see her when she was intoxicated.

21 2. Respondent failed to follow the police
22 officer's instructions when he tried to give
23 her a ride home from the Clinic. Respondent
24 also bent the handcuffs which were placed on
25 her.

26 K. On or about August 6, 1998, respondent entered
27 a plea of Nolo Contendere to Count 2, Penal Code section 647,

1 subdivision (f), a misdemeanor, in People v. Brenda Jean
2 Safranko, East Kern Municipal Court, County of Kern, State of
3 California, Case No. RM019261A. Count 1, Penal Code section
4 594, subdivision (b)(4) was dismissed.

5 L. The court sentenced respondent to 1 day in
6 custody. The court ordered respondent to pay \$30.00 to the
7 State Restitution Fund.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Excessive Prescribing)

10 5. Respondent, Brenda J. Safranko, M.D., is subject to
11 disciplinary action under section 725 of the Code and sections
12 11173, 11174 and 11368 of the Health and Safety Code, in
13 conjunction with section 2238 of the Code, in that she excessively
14 prescribed dangerous drugs and controlled substances to patients
15 A.C., C.B., J.L., E.A. and B.F. The circumstances are as follows:

16 A. On or about February 9, 1998, respondent's
17 residence was searched by the Ridgewood Police Department
18 in connection with her suicidal behavior. (See para. 6-J)
19 Respondent was in possession of the following:

- 20 1. Blank prescription pads from Hi-Desert Medical
21 Center, Southern Inyo Hospital and Cedars Sinai
22 Medical Center. Respondent does not have
23 privileges at any of these hospitals.
- 24 2. A letter from patient A.C. with a blank
25 prescription requesting that respondent give her
26 prescriptions for Vicodin and Soma refills.
- 27 3. The pill bottles seized that were prescribed by

respondent included:

<u>Date</u>	<u>Medication</u>	<u>Patient</u>
11/26/97	Phentermine	E.A.
12/15/97	Serzone	J.L.
12/21/97	Lorazepam	J.L.
12/30/97	Trazodone	J.L.
1/12/98	Ativan Lorazepam	J.L.
1/13/98	Carisoprodol Lorazepam	J.L.
1/15/98	Lorazepam	J.L.
1/15/98	Flurazepam	B.F.

B. Respondent prescribed the following dangerous drugs and controlled substances:

<u>Date</u>	<u>Medication</u>	<u>Patient</u>
11/7/97	Carisoprodol	J.L.
11/13/97	Chlordiazepoxide	J.L.
11/21/96	Trazodone	B.S.
12/15/97	Serzone	J.L.
1/2/98	Lorazepam	E.A.
10/16/97	Carisoprodol Lorazepam	J.L.
11/1/97	Carisoprodol	J.L.
11/18/97	Chlordiazepoxide	J.L.
11/26/97	Paxil Trazodone	J.L.
12/3/97	Chlordiazepoxide	E.A.
1/7/98	Serzone	J.L.
11/26/97	Phentermine HCL	E.A.

1	2/11/97	Trazodone	B.S.
2	10/24/97	Lorazepam	J.L.
3	11/15/97	Chlordiazepoxide	J.L.
4	1/13/98	Carisoprodol Lorazepam	J.L.
5	3/3/97	Trazodone	B.S.
6	10/26/96	Trazodone	B.S.
7	12/7/96	Flurazepam	C.B.
8	4/21/97	Phentermine HCL	C.B.

THIRD CAUSE FOR DISCIPLINE

(Impairment and Addiction)

6. Respondent, Brenda J. Safranko, M.D., is subject to disciplinary action under sections 822 and 2239 of the Code, in that she cannot practice medicine safely due to her impairment and/or drug/alcohol addiction. The circumstances are as follows:

A. Complainant hereby incorporates by reference paragraph 4, A through L.

B. Complainant hereby incorporates by reference paragraph 5, A through B.

C. On or about January 5, 1996, respondent threatened to kill a neighbor with a gun. Respondent went to the neighbor's house, knocked on the door and shouted that she was going to kill her.

1. The police arrested respondent and transferred her to a hospital for 72 hour detention, psychiatric evaluation and treatment.

D. On or about June 25, 1996, respondent was

1 intoxicated in public. She walked in front of her apartment
2 wearing only her panties.

3 1. Respondent's eyes were bloodshot and watery.
4 She had a strong odor of alcohol on her breath
5 and person. Her speech was slurred and her
6 motor reflexes were slow.

7 2. Respondent kept walking away from the police
8 and would not cooperate with them.

9 3. Respondent fondled herself in the presence of
10 the police.

11 E. On or about February 25, 1997, respondent
12 threatened to commit suicide. Ridgecrest Police Department
13 officers transported respondent for a 72 hour detention and
14 psychiatric evaluation.

15 F. On or about June 2, 1997, respondent
16 threatened to commit suicide. Respondent was intoxicated.

17 G. On or about November 28, 1997, respondent
18 discharged a shotgun in the back of her residence. Respondent
19 was intoxicated.

20 H. On or about November 30, 1997, respondent
21 made annoying telephone calls to the Drummond Medical Group.

22 I. On or about December 3, 1997, respondent
23 telephoned the Yellow Cab Company and threatened to commit
24 suicide.

25 J. On or about February 9, 1998, respondent
26 threatened to shoot herself. She had a loaded handgun in her
27 possession. She was intoxicated. Respondent threatened to

1 shoot and strike with a billy stick the police who came to her
2 assistance. The police arrested respondent and transferred
3 her to a hospital for a 72 hour detention and psychiatric
4 evaluation.

5 K. On or about February 26, 1998, respondent went
6 to an East Kern Municipal Courtroom intoxicated. She
7 demanded to see her attorney.

8 1. Respondent's breath smelled of alcohol. Her
9 eyes were bloodshot and watery. Her speech was
10 slurred and she had poor balance.

11 2. When told that her attorney was not present,
12 respondent became upset. She said the
13 Ridgecrest Police Department was "pimping"
14 their officers on her.

15 L. Respondent prescribed herself the following
16 drugs:

<u>Date</u>	<u>Medication</u>	<u>Patient</u>
11/21/96	Trazodone	B.S.
2/11/97	Trazodone	B.S.
3/3/97	Trazodone	B.S.
3/3/97	Trazodone	B.S.
10/26/96	Trazodone	B.S.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct)

25 7. Respondent, Brenda J. Safranko, M.D., is subject to
26 disciplinary action under section 2234, subdivision (a) of the
27 Code, in that she has committed unprofessional conduct. The

1 circumstances are as follows:

2 A. Complainant hereby incorporates by reference
3 paragraph 4, A through L.

4 B. Complainant hereby incorporates by reference
5 paragraph 5, A through B.

6 C. Complainant hereby incorporates by reference
7 paragraph 6, C through L.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 (Corrupt Acts)

10 8. Respondent, Brenda J. Safranko, M.D., is subject to
11 disciplinary action under section 2234, subdivision (e) of the
12 Code, in that she committed corrupt acts which are substantially
13 related to the qualifications, functions, or duties of a physician
14 and surgeon. The circumstances are as follows:

15 A. Complainant hereby incorporates by reference
16 paragraph 4, A through L.

17 B. Complainant hereby incorporates by reference
18 paragraph 5, A through B.

19 C. Complainant hereby incorporates by reference
20 paragraph 6, C through L.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 (Lack of Good Faith Examination)

23 9. Respondent, Brenda J. Safranko, M.D., is subject to
24 disciplinary action under section 2242 of the Code, in that she
25 prescribed dangerous drugs without a good faith prior examination
26 and/or medical indication therefor. The circumstances are as
27 follows:

1 A. Complainant hereby incorporates by reference
2 paragraph 5, A through B.

3 B. Complainant hereby incorporates by reference
4 paragraph 6, L.

5 **SEVENTH CAUSE FOR DISCIPLINE**

6 (False Documents)

7 10. Respondent, Brenda J. Safranko, M.D., is subject to
8 disciplinary action under section 2261 of the Code, in that she
9 falsely prescribed dangerous drugs. The circumstances are as
10 follows:

11 A. Complainant hereby incorporates by reference
12 paragraph 5, A through B.

13 B. Complainant hereby incorporates by reference
14 paragraph 6, L.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 (Out-of-State Discipline)

17 11. Respondent, Brenda J. Safranko, M.D., is subject to
18 disciplinary action under sections 141, 2305 and 2234, subdivision
19 (f) of the Code, in that respondent's practice of medicine has
20 resulted in the imposition of disciplinary action by an out-of-
21 state agency responsible for the licensing of physicians and
22 surgeons. The circumstances are as follows:

23 A. On or about October 10, 1995, respondent was
24 issued locum tenens license number 420 to practice medicine
25 and surgery in Nebraska by the Department of Health and Human
26 Services Regulation and Licensure, State of Nebraska
27 (hereinafter "licensing agency").

1 B. On or about March 11, 1998, the above named
2 licensing agency filed a Petition for Disciplinary Action
3 against respondent, in which the following violations of that
4 state's licensure law were alleged:

5 1. On November 28, 1995, respondent violated
6 Nebraska Revised Statute sections 71-147(6) [practice
7 of medicine while impaired by alcohol], 71-
8 147(10)/71-148 [unprofessional conduct] and 71-
9 147(2) [dishonorable conduct evidencing unfitness]
10 by providing radiology medical services at a
11 Nebraska hospital while under the influence of
12 alcohol concentrated at .183 grams per one hundred
13 milliliters of blood.

14 2. On or about May 3, 1999, respondent admitted the
15 allegations brought against her by the above named
16 licensing agency, and agreed that the agency enter
17 a disciplinary order finding the alleged violations
18 to be true and imposing a disciplinary sanction of
19 a censure.

20 3. On or about May 5, 1999, the above named
21 licensing agency issued an order adopting the
22 disciplinary sanction which respondent had agreed to
23 accept. As a result thereof, the above named
24 licensing agency now records respondent's Nebraska
25 locum tenens medical license as having been
26 reprimanded, effective May 5, 1999.

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